

CITY OF LYNN

Regular City Council Meeting – February 23, 2016 Council President Daniel F. Cahill, Presiding

Ten Councillors Present (Councilor Net absent)

Moment of Silence. Council President Cahill asked that the family of Maria Nikolakopoulos be remembered. He also asked that the family of Sheryl Kelley be remembered.

Pledge of Allegiance

Motion made by Councilor Colucci and seconded by Councilor Capano to accept the Meeting Minutes of February 9, 2016.

Motion carried.

COMMUNICATIONS:

Communication from Her Honor the Mayor:

Dear Councilors

I am hereby appointing Mr. Richard Starbard, to the Economic Development Industrial Corporation Board. Mr. Starbard's term is effective immediately and will expire on June 30, 2018 Sincerely, Judith Flanagan Kennedy, Mayor

Motion made by Councilor Trahant and seconded by Councilor Cyr to appoint Mr. Richard Starbard to the Economic Development Industrial Corporation, effective immediately and will expire on June 30, 2018.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Net absent).

Communication from Her Honor the Mayor:

Dear Councilors

I am hereby appointing Ms. Judith Lewin-Callahan, to the Lynn Municipal Finance Corporation to replace expired member Lisa Carbona. Ms. Lewin-Callahan's term is effective immediately and will expire on September 1, 2018. Sincerely, Judith Flanagan Kennedy, Mayor

Motion made by Councilor Colucci and seconded by Councilor Capano to appoint Judith Lewin-Callahan, to the Lynn Municipal Finance Corporation to replace expired member Lisa Carbona, effective immediately and will expire on September 1, 2018.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Net absent).

Induction of the 2016 Lynn Youth Council

Joint Meeting of the Committee on Public Safety and Public Health and the Lynn City Council: Update on the Heroin Issues in the City of Lynn. The following city officials spoke:

Police Chief Kevin F. Coppinger

Fire Chief James E. McDonald

Health Director MaryAnn O'Connor.

Project Cope Director Mark Kennard introduced Mary Wheeler and Denny Desrosiers who will be conducting the Narcan Training Session.

Councilor President Cahill thanked everyone for their participation and input.

PUBLIC HEARINGS:

Public Hearing relative to a burnt, dilapidated or dangerous building or other structure located at 17 South Street Court, Lynn, Massachusetts, and after hearing may make record of an Order adjudging it to be a nuisance to the neighborhood or dangerous and prescribing to its disposition, alteration, or regulation, all as authorized by Massachusetts General Laws, Chapter 139, Section 1.

The following appeared in Favor:

Calvin Anderson,

The following appeared in Opposition:

Attorney Pasquale Straccia, Gulley & Straccia P..C. on behalf of the owner.

Public Hearing Closed.

Motion made by Councilor Capano and seconded by Councilor Barton to TABLE for one month.

Motion carried by the following yea and nay vote:

9 YES 0 NO (Councilor Lozzi absent at vote; Councilor Net absent).

Public Hearing relative to An Ordinance Amending a Portion of the Zone Map of the City of Lynn and Zone Ordinance of the City of Lynn.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

Council President Cahill stated that the Planning Board sent a letter in support.

Motion made by Councilor Capano and seconded by Councilor Lozzi to grant with the following recommendations from the Planning Board: The areas affected by this zoning amendment shall include all areas delineated on the map presently available for viewing in the City of Lynn inspectional Services Department.

Generally, the areas shall include Camden Street, Bates Street, River Street Place, River Street, Heath's Court, River Street Court, Canal Street, Cooper Street, Needham's Landing Road, Margin Street, Avon Street, Wright Street, Raddin

Street, Reed Street, Dearborn Terrace and Dearborn Avenue. All areas presently zoned as an Apartment House Class 2 (R4) District described above and delineated on the zoning map amendment shall now be designated as a General Residence (R2) District Section 2:00. All Ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Motion carried by the following yea and nay vote:

9 YES 0 NO (Councilor Walsh absent at vote; Councilor Net absent).

Petition of Century Bank, Barlo Signs, for permission for a sign permit at 2 State Street.

The following appeared in Favor:

Paul Barlo, Barlo Signs

Ann Mannion, Manager, Century Bank.

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Capano and seconded by Councilor Colucci to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Net absent).

Petition of A&J Auto Repair II, Abdeligalil Aitelhadj for a change of use, Auto Repair at 860 Western Avenue.

The following appeared in Favor:

Abdeligalil Aitelhadj, owner of Business

The following appeared in Opposition:

Paul Kreswick, 14 Murphy Avenue

Public Hearing Closed.

Motion made by Councilor Capano and seconded by Councilor Colucci to grant the prayer of the Petitioner with the stipulations that no hazardous chemicals to be stored inside/outside the garage, no working on cars on the street or in the parking lot, no junk cars, all work to be done inside the garage, no cars to be stored on street, no storing of tires, and follow all terms and conditions of ISD. Hours of Operation are 8:00 a.m. to 6:00 p.m. Monday through Saturday, CLOSED on Sunday.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Net absent).

Petition of Comcast, Timothy Broderick, for permission to intercept existing conduit on South Common Street at Shepard Street & place new vault/manhole. From new vault manhole, place (1) 4" pvc conduit 200' +/- in an easterly direction to property of 104 South Common Street.

The following appeared in Favor:

Timothy Broderick, Comcast

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Capano and seconded by Councilor LaPierre to grant the prayer of the Petitioner with the stipulation that the street be put back in the same condition.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Net absent).

Petition of Cellco Partnership d/b/a Verizon Wireless, Daniel Klasnick, Esquire, for permission to attach, maintain and operate small cell communications equipment on existing utility poles located within the City of Lynn right of way near the following locations: 99 Essex Street, 92 Franklin Street, Fecteau Way, 235 O'Callaghan Way, 85-91 Harbor Street, 68 Sylvia Street, 3 Wardwell Avenue and 68 Western Avenue.

The following appeared in Favor:

Attorney Daniel Klasnick

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Cyr and seconded by Councilor Capano to TABLE.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Net absent).

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of Solutions Auto Body, Pablo DeLa Cruz, for permission for an Auto Body shop at 606 Boston Street Rear.

Motion made by Councilor Colucci and seconded by Councilor Capano to set down for a Public Hearing.

Motion carried.

UNFINISHED BUSINESS:

Report of the February 9, 2016 Committee on Ordinance and Rules:

AN ORDINANCE REGULATING THE PROCUREMENT OF ELECTRICAL SUPPLY SERVICES IN THE CITY OF LYNN

Motion made by Councilor Cyr and seconded by Councilor Cahill to grant.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Net absent).

Motion made by Councilor Cyr and seconded by Councilor Cahill to table the remainder of the report.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Net absent).

Motion made by Councilor Barton and seconded by Councilor Cahill to remove from the table the Petition of Fiesta Shows, Eugene Dean, for permission for a Carnival Fundraiser for 4th of July Fireworks Fund at McManus Field, May 4-10, Wed-Tues weekdays 6-11 p.m. and Sat & Sun 12-11p.m. (Set up May 3).

Motion carried.

Motion made by Councilor Barton and seconded by Councilor Cyr to set down for a Public Hearing.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Net absent).

Motion made by Councilor Barton and seconded by Councilor Cahill to remove from the table the Petition of Petition of Fiesta Shows, Eugene Dean, for permission for a Carnival Fundraiser for 4th of July Fireworks Fund at Keaney Park, June 1 - 7, Wed-Tues weekdays 6-11 p.m. and Sat & Sun 12-11p.m. (Set up May 31)

Motion carried.

Motion made by Councilor Barton and seconded by Councilor Cyr to set down for a Public Hearing.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councilor Net absent).

COMMITTEE REPORTS:

Report of the February 23, 2016 Committee on Ordinance and Rules recommending the following to be accepted:

DISCUSSION AND/OR TO SET DOWN FOR PUBLIC HEARINGS:

1. Discussion re: Proposed amendments to the city's Graffiti Ordinance.- **Set Down for Public Hearing**
2. Discussion re: An Ordinance Amending the Zone Ordinance of the City of Lynn to Establish a Medical Marijuana Treatment Center Overlay District.- **Tabled**

3. OTHER BUSINESS: REPORT ACCEPTED.

Report of the February 23, 2016 Committee on Personnel recommending the following to be accepted:

1. Request from ISD Director:
re: One (1) Permanent Full-Time position
"Building Services Coordinator" – **Motion to grant with the stipulation that it conforms with the Memorandum of Understanding signed between the City of Lynn and Local 1736.**
2. Request from Fire Chief:
re: One (1) Permanent Full-Time position
"Senior Fire Alarm Operator" - **Granted**

3. OTHER BUSINESS

REPORT ACCEPTED.

Report of the February 23, 2016 Committee on Ways and Means recommending the following to be accepted:

Ordered that the City Comptroller take the following actions:

Transfer the sum of Nine Thousand Three Hundred Twenty-Four Dollars and Fifty Three Cents (\$9,324.53) from the Insurance over 20K Account to the LPD Vehicles Account.

Councilor Cahill attached the following Emergency Preamble:

WHEREAS, An Emergency relative to a financial transfer in the amount of Nine Thousand Three Hundred Twenty-Four Dollars and Fifty Three Cents (\$9,324.53) from the Insurance over 20K Account to the LPD Vehicles Account.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Net absent)

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Net absent).

Transfer the sum of Three Thousand Dollars and Zero Cents (\$3,000.00) from the Parking Payroll Account to the Settlements Account.

Councilor Cahill attached the following Emergency Preamble:

WHEREAS, An Emergency relative to a financial transfer in the amount of Three Thousand Dollars and Zero Cents (\$3,000.00) from the Parking Payroll Account to the Settlements Account.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following ye and nay vote:

10 YES 0 NO (Councilor Net absent)

Emergency Order was then adopted by the following ye and nay vote:

10 YES 0 NO (Councilor Net absent).

Certify as an "Available Fund" the amount of One Hundred Ninety Four Thousand Five Hundred Nineteen Dollars and Sixty Nine Cents (\$194,519.69) as allotted to the City of Lynn Police Department by the Executive Office of Public Safety and Security for the FY16 Shannon Community Safety Initiative Grant. Grant Period 2/1/16-12/31/16.

Councillor Cahill attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial order certifying as an "Available Fund" the amount of One Hundred Ninety Four Thousand Five Hundred Nineteen Dollars and Sixty Nine Cents (\$194,519.69) as allotted to the City of Lynn Police Department by the Executive Office of Public Safety and Security for the FY16 Shannon Community Safety Initiative Grant. Grant Period 2/1/16-12/31/16.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following ye and nay vote:

10 YES 0 NO (Councilor Net absent).

Emergency Order was then adopted by the following ye and nay vote:

10 YES 0 NO (Councilor Net absent).

Certify as an "Available Fund" the amount of Sixty Three Thousand Seven Hundred Fifty Dollars and Zero Cents (\$63,750.00) as allotted to the City of Lynn Health Department by the Department of Public Health (DPH) for the FY16 Strategic Prevention Framework Partnership for Success Grant. Grant Period 2/1/16-9/29/20.

Councillor Cahill attached the following Emergency Preamble:

WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.

WHEREAS, An Emergency relative to a financial order certifying as an "Available Fund" the amount of Sixty Three Thousand Seven Hundred Fifty Dollars and Zero Cents (\$63,750.00) as allotted to the City of Lynn Health Department by the Department of Public Health (DPH) for the FY16 Strategic Prevention Framework Partnership for Success Grant. Grant Period 2/1/16-9/29/20.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following ye and nay vote:

10 YES 0 NO (Councilor Net absent).

Emergency Order was then adopted by the following ye and nay vote:

10 YES 0 NO (Councilor Net absent).

CAPANO, BARTON, CAHILL, CHAKOUTIS, COLUCCI, CYR, LAPIERRE, LOZZI, NET, TRAHANT, WALSH / Ordered that the Solicitor's Office draft and forward a letter on behalf of the Lynn City Council to Honorable Governor Charles Baker, Secretary of Transportation Stephanie Pollock and General Manager of the Massachusetts Bay Transportation Authority Frank DePaola in support of the continued operation of the Lynn Commuter Ferry. (put all councilors on this order)

Councilor Cahill attached the following Emergency Preamble:

WHEREAS, An Emergency relative to an Order filed by Councilor CAPANO, BARTON, CAHILL, CHAKOUTIS, COLUCCI, CYR, LAPIERRE, LOZZI, NET, TRAHANT, WALSH / that the Solicitor's Office draft and forward a letter on behalf of the Lynn City Council to Honorable Governor Charles Baker, Secretary of Transportation Stephanie Pollock and General Manager of the Massachusetts Bay Transportation Authority Frank DePaola in support of the continued operation of the Lynn Commuter Ferry.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Net absent)

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Net absent).

Report of the February 23, 2016 Committee on Licensing recommending the following to be accepted:

TAXI OPERATORS (NEW)

Hernandez, Felix, 11 Breed Sq. #1- **Granted**

McLean, Dominic D., 38 Hanover St. #16 - **Granted**

Rodriguez, Eddy, 434 Essex St., Salem, MA 01970- **DENIED**

LIVERY OPERATOR (NEW)

DiFranco, Justine, 19 Tudor St. - **Granted**

Jaidy, Tarik, 23 W Baltimore St., - **Granted**

Pari, Matthew, 19 Ray St. #1, Swampscott, MA 01907-SEE CORI- **Granted w/30-60-90 Day Review**

LIVERY SERVICE

Boston Top Limo-Tarik Jaidy- **Granted with stipulations that one vehicle is approved and no parking vehicle on the street.**

OLD GOLD & SILVER -RENEWAL

441-443 Union St., Treasure To Consignment- **Granted**

CANNING:

Lynn Band Boosters (Adults Only) – April 8, 9, 10, 2016- **Granted**

OTHER BUSINESS:

Motion made by Councilor Trahan and seconded by Councilor Cyr that no taxi operator's application with open cases are forwarded to the License Committee.

Motion carried.

Motion made by Councilor Cyr and seconded by Councilor Trahant to request the Solicitor's Office to draft an amendment to the Taxi Ordinance regarding the submission of fingerprints of taxi operators.

Motion carried.

REPORT ACCEPTED.

Report of the February 23, 2016 Committee on Public Property and Parks recommending the following to be accepted:

Discussion re: A request from the Lynn Historical Commission to establish a Local Historic District in Lynn. - **Tabled**

OTHER BUSINESS

Ordered that the Inspectional Services Department and City Solicitor's Office draft a Request for Proposals for the lease and development of the Neptune Boulevard real property (vacant land) to advertise the same in the Central Register and any other applicable publishings

Councilor Colucci attached the following Emergency Preamble:

**WHEREAS, An Emergency relative to an Order that the Inspectional Services Department and City Solicitor's Office draft a Request for Proposals for the lease and development of the Neptune Boulevard real property (vacant land) to advertise the same in the Central Register and any other applicable publishings
THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

Emergency Preamble was adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Net absent).

Emergency Order was then adopted by the following yea and nay vote:

10 YES 0 NO (Councilor Net absent).

REPORT ACCEPTED.

Report of the February 23, 2016 Committee on Public Works recommending the following to be accepted:

Discussion re: Winter Operations (snow removal, plowing, Budget).

OTHER BUSINESS:

REPORT ACCEPTED.

NEW BUSINESS:

Motion made by Councilor Capano and seconded by Councilor Walsh to request that the Chairman of the Education Committee set down a meeting to discuss the Tracy School.

Motion carried.

Motion made by Councillor Lozzi and seconded by Councillor Capano to adjourn.

Notice of this meeting was posted in the City Clerk's Office at least forty-eight (48) hours in advance.

A True Copy Attest:

CITY CLERK